

REMARKS/ARUGMENTS

Upon entry of this reply, claims 1-12 and 15-26 will be canceled; claims 27-37 will be added; claims 13, 14, and 27-37 will be pending. Claim 13 is independent.

New claims 27-37 present additional, more particular, embodiments. Claim 27 limits the complex to one "consisting essentially of" a hydrophobized polysaccharide and an antigen. Support for this limitation is found, for example, in the Examples that specifically state that the complex is formed from a hydrophobized polysaccharide and an antigen, and nothing else.

New claims 28-37 present elements that had been presented in canceled claims.

Discussion of August 1, 2006 Interview

Applicants express appreciation for the courtesy extended by Examiner Ewoldt to Applicants' representative, Sean Myers-Payne, during an August 1, 2006 telephone interview.

During the interview, Applicants' representative sought clarification of the "hydrophobized polysaccharide" of Kohno et al. The Examiner explained that it was his position that Kohno et al. disclosed a Sugi Basic Protein (SBP)-pullulan conjugate and that the conjugation necessarily involved the addition of some hydrophobic group, and that therefore, the conjugated pullulan was necessarily hydrophobized. The Examiner indicated a willingness to consider amendments that would specify the addition of particular hydrophobic groups.

Information Disclosure Statements

Applicants note that, as discussed extensively in papers previously filed in this application, Applicants have provided documents for consideration by the Office. Applicants have complied with all necessary rules for consideration of these documents, such that the documents should be listed on the face of any patent to issue from this application. It is clear from the Examiner's lining out of these Japanese language documents, while considering their English language abstracts, that he deems the Abstracts to be representative of the content of the Japanese language documents. Thus, no further action is necessary to demonstrate consideration of these documents.

Claim Rejections – 35 U.S.C. § 102(b)

The Office Action maintains the rejection of claims 1-3, 6, 11, 12, 15, 18, and 20 under 35 U.S.C. § 102(b) as allegedly anticipated by Kohno et al. In response, and without acquiescing to or agreeing with the rejection, Applicants note that the rejected claims have been canceled. The rejection is moot in view of the cancellation and Applicants respectfully request its withdrawal.

Claim Rejections – 35 U.S.C. § 103

The Office Action maintains the rejection of claims 1-24 under 35 U.S.C. § 103(a) as allegedly obvious over Nestle et al. (Nature Medicine 4(3):328-332 (1998)) in view of Gu et al. (Acta Med. Nakasaki 42: 19-24 (1997)) and claims 1-26 as allegedly obvious over Nestle et al. in view of Gu et al. (Cancer Research 58: 3385-3390 (1998)).

In response, Applicants note that Nestle et al. describe the use of a peptide “cocktail” or “lysate” (both of which would include a number of peptides). The authors specifically state that “[m]ultiple peptides were used to diminish the chances of immune escape in a given patient.” (Page 328, right column, lines 16-17.) Thus, Nestle et al. specifically teaches away from the use of a single peptide or antigen. The Gu et al. publications, on the other hand, appear to be directed to the use of a single discrete peptide sequence as an antigen.

Applicants respectfully submit that a person of ordinary skill in the art cannot be expected to have combined the teachings of Nestle et al. with those of either of the Gu et al. publications. Nestle et al. teaches that *multiple* peptides are needed in order to achieve a satisfactory result. The Gu et al. publications, on the other hand, only use one peptide sequence as an antigen. Applicants respectfully submit that a person skilled in the art would not be motivated to replace the *multiple* peptides required by Nestle et al. with the *single* peptide of Gu et al. And given the strong statement by Nestle et al. of the need for multiple peptides, there would not be a reasonable expectation of success.

Applicants reiterate the positions raised in prior responses, particularly those related to unexpectedly good results of the present invention as related to the cited art. Those arguments are as applicable today as they were when they were previously made. For the sake of brevity, and because the Examiner has made clear his position with regard to those arguments, those arguments are not restated here.

For at least the foregoing reasons, Applicants respectfully request that the rejections for obviousness be withdrawn.

Claim Rejections – 35 U.S.C. § 112, First Paragraph

The Office Action rejects claims 1-26 under 35 U.S.C. § 112, first paragraph, as allegedly lacking written description. In response, without acquiescing to or agreeing with the rejection, Applicants note that claims 1-12 and 15-26 have been canceled, thereby rendering moot the rejection as applied to those claims.

Applicants note that while claims 13 and 14 were included in this rejection, the specific bases of rejection refer only to claims 1 and 11 and do not mention any elements recited in claims 13 or 14. Thus, it appears that the inclusion of claims 13 and 14 in this rejection was not intended.

In view of these amendments and remarks, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 112, first paragraph.

Claim Rejections – 35 U.S.C. § 112, Second Paragraph

The Office Action rejects claims 1-26 under 35 U.S.C. § 112, second paragraph, as allegedly indefinite. The Action asserts that “an antigen inducing cytotoxic T cells” is indefinite. In response, without acquiescing to or agreeing with the rejection, Applicants note that claims 1-12 and 15-26 have been canceled, thereby rendering moot the rejection as applied to those claims.

With regard to claim 13, while Applicants disagree as to the definiteness of this term, Applicants note that claim 13 has been rewritten to recite “an antigen inducing that induces cytotoxic T cells.”

In view of these amendments and remarks, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 112, second paragraph.

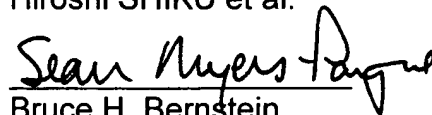
CONCLUSION

In view of the foregoing amendments and remarks, the Examiner is respectfully requested to reconsider and withdraw the rejections of record, and allow each of the pending claims.

Applicants therefore respectfully request that an early indication of allowance of the application be indicated by the mailing of the Notices of Allowance and Allowability.

Should the Examiner have any questions regarding this application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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